SUPERIOR COURT DIVISION

IN THE GENERAL COURTS OF JUSTICE WAKE COUNTY NORTH CAROLINA ZUN DEC 13 P 3: 28 THE NORTH CAROLINA STATE BAR SC

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TONYA J. CREW,

07 CVS PETITIONER, CONSENT ORDER OF PRELIMINARY INJUNCTION [PREL-GW] RESPONDENT.

THIS MATTER came on to be heard and was heard by the undersigned Judge of Superior Court of Wake County on motion of Petitioner, the North Carolina State Bar. Petitioner was represented by A. Root Edmonson. Respondent, Tonya J. Crew did not appear and was not represented by counsel. Based upon the consent of the parties, the Court makes the following:

FINDINGS OF FACT

- 1. Respondent, Tonya J. Crew ("Crew"), was licensed to practice law in North Carolina on August 21, 1999.
- 2. As of the date of this petition, Crew's last known address of record on file with the North Carolina State Bar is P. O. Box 487 Roanoke Rapids, North Carolina 27870.
- 3. On December 13, 2007, during an audit of her trust account conducted pursuant to a State Bar's Grievance Investigation, evidence was discovered indicating that funds held in trust by Crew were mishandled by Crew.
 - 4. Crew desires to cooperate with the State Bar.
- 6. A need for prompt action exists to ensure that further client funds are not mishandled.

Based upon the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW

- 1. Prompt action, pursuant to N.C. Gen. Stat. 84-28(f), is necessary to preserve the status quo while the State Bar conducts an analysis of Crew's trust and operating accounts and to ensure that no client funds are mishandled.
- 2. Crew should be enjoined from accepting any further funds from or on behalf of clients or other individuals in a fiduciary capacity, from writing checks against any account in which client or fiduciary funds have been deposited, and from directing or permitting any employee or agent to draw a check on any account in which client or fiduciary funds have been deposited, except as expressly authorized by this order.
- 3. To assist the State Bar's analysis of her trust and operating accounts, Crew should provide the State Bar with records of all accounts in which client or fiduciary funds have been deposited.

THEREFORE, IT IS HEREBY ORDERED:

- 1. Tonya J. Crew is enjoined from accepting or receiving any funds from clients or third parties in a fiduciary capacity, from withdrawing any funds from and/or drawing any checks or other instruments against any account in which client or fiduciary funds have been deposited and from directing or permitting any employee or agent to withdraw funds from and/or to draw any checks or other instruments against any account in which client or fiduciary funds have been deposited until and unless permitted by subsequent orders of the Court.
- 2. Tonya J. Crew or any other person having custody or control of records relating to any account into which client or fiduciary funds have been deposited shall immediately produce to the North Carolina State Bar for inspection and copying all of Crew's financial records relating to any account into which client or fiduciary funds have been deposited, including, but not limited to bank statements, canceled checks, deposit slips, client ledger cards, check stubs, debit memos and any other records relating to the receipt and disbursement of client and/or fiduciary funds.
- 3. Tonya J. Crew or any other person having custody or control over records relating to persons or entities for whom she has provided legal services shall produce to the North Carolina State Bar for inspection and copying all records and documents relating to each such person or entity including but not limited to client files, billing statements, memoranda and receipts. Documents relating to current clients shall be produced within 24 hours of demand by the State Bar. Documents relating to closed client files shall be produced within 3 days of demand by the State Bar.

- 4. If Crew does not have possession of the minimum records required to be maintained regarding trust and fiduciary funds pursuant to Rule 1.15-3 of the Revised Rules of Professional Conduct, she shall direct the bank(s) where her bank account(s) are maintained, within 10 days of the date of this order, to copy and transmit any such missing records directly to the North Carolina State Bar at Crew's expense.
- 5. This Consent Order of Preliminary Injunction shall remain in effect until further orders of this Court.

THIS the 13rday of December, 2007.

Superior Court Judge Presiding

WE CONSENT

A. Root Edmonson Attorney for Petitioner

The North Carolina State Bar

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